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DISABILITY OF THE GOVERNOR TO ACT

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schools. The elimination of this portion of Section 15 of Article XIII would seem to be a grave mistake, inasmuch as that particular section of the Constitution made it very plain that the first obligation of the State of California, financially, was the support of our schools.

Senate Constitutional Amendment No. 11 would set up a procedure making it compulsory that the officials in charge of school funds for secondary and technical schools set up not less than sixty-six ninetieths of the money provided by the State exclusively to the payments of public school teachers salaries, and not less than sixty-eighthieths of the amount of money provided by the State for the support of the elementary schools for the same purpose. This would be a definite freezing of a specific amount of school funds contributed by the State for teachers salaries, regardless of whether that might be the proper amount as determined by the officials who

are responsible for our educational program. While there can be no question but that there should be a very liberal policy with respect to the teachers salaries, it would appear that the freezing of the funds might result in hardships to both the officials in charge and to the teachers.

It is my opinion that Senate Constitutional Amendment No. 11 would be experimental, and experimenting with an amendment to our Constitution should not be acted upon favorably.

In conclusion, I wish to point out that at the 1945 session of the Legislature, the Strayer Plan was adopted, and suggest that until this plan has been in effect for a sufficient length of time to demonstrate it is or is not the correct method of managing our school funds and system, we should make no further changes, especially, no constitutional amendments.

BEN HULSE, Senator, 39th Dist.

14 **DISABILITY OF THE GOVERNOR TO ACT. Assembly Constitutional Amendment No. 4.** Amends Section 16, Article V of the Constitution. Provides that Secretary of State, Attorney General, Treasurer and Controller in order named shall assume powers and duties of Governor in the event of the disability of the Governor, Lieutenant Governor, President pro tempore of the Senate, or Speaker of the Assembly to act.

YES	
NO	

(For full text of measure, see page 13, Part II)

**Argument in Favor of
Assembly Constitutional Amendment No. 4**

For the purpose of clarifying Section 16, Article V of the California Constitution, which section relates to the succession to the Governorship, this amendment is submitted and was recommended by a near unanimous vote of the Legislature.

The present provisions are contradictory and should be corrected. This amendment will eliminate all possibility that California will be without a Governor or an Acting Governor for a period as long as 18 months. This revision removes all doubt, and provides a definite and positive way for publicly elected State Officials to become Acting Governor in the event he, or

his successors, were to die, become incapacitated, or be removed from office. Such a catastrophe is in the realm of possibility.

Under this Constitutional Amendment, the order of succession will be: Lieutenant Governor, last duly elected President pro tempore of the Senate, last duly elected Speaker of the Assembly, Secretary of State, Attorney General, State Treasurer, and State Controller.

Under present provisions there is serious doubt as to who would become Acting Governor and the extent of his duties and authorities; therefore, we urge the adoption of this amendment.

LORNE D. MIDDOUGH
Assemblyman, 70th Dist.

15 **VALIDATION OF LEGISLATIVE AMENDMENTS TO ALIEN LAND LAW.** Senate Constitutional Amendment No. 17. Amends Section 17, Article I of the Constitution. Establishes validity of 1923 and 1943 legislative amendments to initiative measure of 1920 commonly referred to as the Alien Land Law.

YES	
NO	

(For full text of measure, see page 14, Part II)

**Argument in Favor of
Senate Constitutional Amendment No. 17**

This amendment merely validates statutes pursuant to the Alien Land Laws heretofore enacted by the Legislature and now in full force and effect.

Its enactment by the people will close loopholes in legislative enactments based on constitutional grounds.

It is well known that Japanese aliens, in order to conceal true ownership of property, have indulged in all manner of subterfuges. These aliens have resorted to the use of "dummy" corporations, American-born Japanese children and other nefarious schemes and devices that, on the record, conceal the true identity of the owners of property.

It was through such evasion and subterfuges that Japanese aliens were enabled to own, occupy and control land adjacent to vital defense areas

and industries prior to, and for a considerable time after, the sneak attack by the Imperial Japanese Government on Pearl Harbor.

The equities and rights in property of American-born Japanese are fully protected by the enactment of this constitutional amendment, provided that such American-born Japanese are innocent of any wrongful use or control of such property by alien Japanese.

The laws validated by the enactment of this constitutional amendment by the people protect honest ownership while making it possible to more easily detect dishonest ownership.

Only powerful political and selfish economic interests allied with alien Japanese will oppose the adoption of this validating constitutional amendment.

A "Yes" vote on this amendment will validate the statutes that the Legislature has heretofore enacted into the law of the State of California.

ALLOCATION OF PUBLIC SCHOOL FUNDS. Senate Constitutional Amendment No. 11.

3 Amends Section 6, Article IX, and Section 15, Article XIII, of the Constitution. Simplifies procedure for allocating State funds for support of Public School System. Eliminates necessity of making allocations for support of public schools from State General Fund by providing that sums now appropriated to such fund for support of public schools be appropriated to the State School Fund. Leaves unchanged amounts required to be raised by State for support of Public School System.

YES

NO

(This proposed amendment expressly amends existing sections of the Constitution; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

First: That Section 6 of Article IX be amended to read:

Sec. 6. The Public School System shall include day and evening elementary schools, and such day and evening secondary schools, technical schools, kindergarten schools and **normal schools** ~~or teachers' State colleges~~, as may be established by the Legislature, or by municipal or district authority.

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for distribution in each school year in such manner as the Legislature shall provide an amount not less than **thirty-eighty dollars (\$80)** per pupil in average daily attendance in the day and evening elementary schools in the Public School System during the next preceding school year.

The Legislature shall provide a State High School Fund from the revenues of the State for the support of day and evening secondary and technical schools, which for each school year, shall provide for distribution in such manner as the Legislature shall provide an amount not less than **thirty-ninety dollars (\$90)** per pupil in average daily attendance in the day and evening secondary and technical schools in the Public School System during the next preceding school year.

The Legislature shall provide for the levying of a county, and city and county, elementary school tax, by the board of supervisors of each county, and city and county, sufficient in amount to produce a sum of money not less than the amount of money to be received during the current school year from the State for the support of the day and evening elementary schools of the county, or city and county; provided that said elementary school tax levied by any board of supervisors shall produce not less than **thirty dollars** per pupil in average daily attendance in the public day and evening elementary schools of the county, or city and county, during the next preceding school year.

The Legislature shall provide for the levying of a county, and city and county, high school tax by the board of supervisors of each county, and city and county, sufficient in amount to produce a sum of money not less than twice the amount of money to be received during the current school year from the State for the support of the public day and evening secondary and technical schools of the county, or city and county; provided that the high school tax levied by the board of supervisors shall produce not less than **sixty dollars** per pupil in average daily attendance in the public day and evening secondary schools of the county, or city and county, during the next preceding school year.

The Legislature shall provide for the levying of school district taxes by the board of supervisors of each county, and city and county, for the support of public elementary schools, secondary schools, technical schools, and kindergarten schools, or for any other public school purpose authorized by the Legislature.

The entire amount of money provided by the State, and not less than **sixty per cent sixty-eighths** of the amount of money provided by county, or city and county, school taxes the State for the support of the elementary schools, and not less than **sixty-six**

ninetieths of the money provided by the State for the support of the secondary and technical schools shall be applied exclusively to the payment of public school teachers' salaries.

The revenues provided for the Public School System for the school year ending June 30, ~~1937~~ 1937, shall not be affected by this amendment except as the Legislature may provide.

Second: That Section 15 of Article XIII be amended to read:

Sec. 15. Out of the revenue from State taxes for which provision is made in this article, together with all other State revenues, there shall first be set apart the moneys to be applied by the State to the support of the Public School System and the State University. The Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amounts sufficient to meet the expenditures of this State not otherwise provided for and in amounts sufficient to apportion and shall apportion to each county or city and county of this State an amount equal to **166 2-3 per cent** of the entire amount required to be raised by each such county or city and county respectively under the provisions of Section 6 of Article IX of this Constitution for the support of the public day and evening elementary schools of the county or city and county and in addition, the entire amount required to be raised by each such county or city and county respectively under the provisions of Section 6 of Article IX of this Constitution for the support of the public day and evening secondary and technical schools of the county or city and county; provided, however, that all sums so apportioned shall be considered as though derived from county and city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of said section; nor shall any revenues so apportioned be regarded as appropriations from the funds of the State within the meaning of Section 23a of Article IV of this Constitution; and provided, further, that the provisions of this sentence as they read on May 1, 1911, shall remain operative to and including June 30, 1935, and no longer notwithstanding any other provision of this Constitution to the contrary.

If the Legislature limits the amount of revenue which may be raised from taxes upon the real and personal property according to the value thereof in pursuance of its power so to do under Section 20 of Article XI of this Constitution, then the Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amounts sufficient to apportion and shall apportion to each county and city and county an amount equal to the deficiency in the revenues thereof resulting from such limitation, as such deficiency shall be determined by law; provided, however, that no tax shall be levied by the Legislature in pursuance of this section upon property in proportion to the value thereof in excess of the limitation for which provision is made in Section 34a of Article IV of this Constitution with reference to taxes for State purposes on real and personal property and further provided that no taxes upon property in proportion to the value thereof shall be levied in pursuance of this section for the support of any county or city and county government.

No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State, or any officer thereof, to prevent or enjoin the collection of any tax levied under the provisions of this article, but after payment thereof action may be maintained to recover, with interest, in such manner as may be provided by law, any tax claimed to have been illegally collected.

DISABILITY OF THE GOVERNOR TO ACT. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 4.

14 Amends Section 16, Article V of the Constitution. Provides that Secretary of State, Attorney General, Treasurer and Controller in order named shall assume powers and duties of Governor in the event of the disability of the Governor, Lieutenant Governor, President pro tempore of the Senate, or Speaker of the Assembly to act.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor

(Thirteen)

for the residue of the term; or until the disability shall cease. And should the Lieutenant Governor be impeached; displaced; resign; die; or become incapable of performing the duties of his office; or be absent from the State, the president pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen; or until such disability of the Lieutenant Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named; and neither the Lieutenant Governor nor the president pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly; until the office of Governor shall be filled at such general election.

In case of vacancy in the office of Governor, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, and the Lieutenant Governor so acting as Governor shall receive the salary and perquisites of Governor. In case of vacancy in the office of Governor and in the office of

Lieutenant Governor, the powers and duties of the office of Governor shall devolve upon the last duly elected President pro tempore of the Senate; or if there be none, then upon the last duly elected Speaker of the Assembly; or if there be none, then upon the Secretary of State; or if there be none, then upon the Attorney General; or if there be none, then upon the Treasurer; or if there be none, then upon the Controller. In case of vacancy in the office of Governor and in the office of Lieutenant Governor, the persons upon whom the powers and duties of the office of Governor devolve shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election and such person upon acting as Governor shall receive the salary and perquisites of Governor. In case of the impeachment of the Governor or officer acting as Governor, his absence from State, or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the office of Governor devolve upon the same officer as in the case of vacancy in the office of Governor, but only until the disability shall cease.

VALIDATION OF LEGISLATIVE AMENDMENTS TO ALIEN LAND LAW. SENATE

15 **CONSTITUTIONAL AMENDMENT NO. 17.** Amends Section 17, Article I of the Constitution. Establishes validity of 1923 and 1943 legislative amendments to initiative measure of 1920 commonly referred to as the Alien Land Law.

YES	
NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 17. Foreigners of the white race; or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.

The provisions of an act entitled "An act to amend an act entitled 'An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith,' submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, by amending Sections 1, 2, 3,

4, 5, 7, 8, 9, 10 and 11 thereof," approved June 20, 1923, and of an act entitled "An act to amend Section 8 and to repeal Sections 4 and 10 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled 'An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith,' approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases' prescribing the procedure therein, defining the powers and duty of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty," approved June 8, 1943, are hereby confirmed, ratified and declared to be fully and completely effective. Nothing in this section shall be construed to affect the right of the Legislature to amend said initiative act approved by the electors November 2, 1920, as amended by said subsequent acts, in furtherance of its purpose and to facilitate its operation.

REPEAL OF EDUCATIONAL POLL TAX. ASSEMBLY CONSTITUTIONAL AMEND-

16 **MENT NO. 23.** Repeals Section 12, Article XIII of the Constitution, which now provides that the Legislature shall levy a five dollar or more yearly educational poll tax on each male inhabitant, with certain exceptions, between the ages of 21 and 50, such tax to be paid into the State School Fund.

YES	
NO	

(This proposed amendment expressly repeals an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

Sec. 12. The Legislature shall provide for the levy and collection of an annual educational poll tax of not less than five dollars on every

male inhabitant of this State over twenty-one and under fifty years of age, except persons holding an honorable discharge or discharged under honorable circumstances from the army, navy or marine corps of the United States; persons who pay a real or personal property tax amounting to at least five dollars per annum; paupers; idiots; insane persons and imbeciles. Said tax shall be paid into the State school fund.